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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,590	10/26/2001	Alexander Tormasov	2230.0380001/MBR/GSB	8122
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BARDMESSER LAW GROUP, P.C. 910 17TH STREET, N.W. SUITE 800 WASHINGTON, DC 20006				
EXAMINER BATAILLE, PIERRE-MICHE				
ART UNIT		PAPER NUMBER		
2186				

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/005,590	TORMASOV ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Pierre-Michel Bataille	2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is responsive to Applicant's communication filed September 13, 2005 in responding to Official Action dated June 27, 2005. Applicant's amendment and/or arguments have been considered with the results that follow. Claims 1-8 and 10-45 are pending in the application under prosecution, as claim 9 has been previously canceled.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-8 and 10-45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 and 10-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,823,462 (Cheng et al) in view of US 2002/0091697 (Huang et al).

With respect to claim 1, Cheng discloses a private network with cluster nodes associated one group name, comprising: a computer cluster formed by a plurality of hardware-independent cluster nodes, said computer cluster including a control center (***enterprise private intranet with a plurality of computer nodes, a node designated as a server node and the other designated as client nodes***) [Fig. 1; Col. 3, Lines 15-32]; and a plurality of virtual environments running on the computer cluster (***virtual private networks with a plurality of virtual channels designated as nodes***) [Fig. 3, Col. 4, Lines 1-25] wherein the virtual environments do not require dedicated memory, wherein said control center coordinates functions of said plurality of hardware-independent cluster nodes (***server node creates security policies describing the characteristics of the of the network and to maintain the plurality of users***) [Fig. 3; Col. 4, Lines 19-25]. Cheng fails to specifically teach each virtual environment virtualizing a full service operating system and does not require dedicated physical memory. However, Huang discloses a system providing a virtual desktop in a virtual computing environment wherein the user is provided tools to virtualize a computing environment allowing the user global access from home, office or while on travel to application files and resources [Par. 0040-0041]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated virtualized full operating system service, as taught by Huang, into the network of Cheng, because a virtualized system would have provided access from almost anywhere to resources,

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therefore, enhanced efficiency and improved productivity, as taught by Huang [Par. 0041].

With respect to claim 2, Cheng discloses the network wherein said plurality of hardware-independent cluster nodes further comprises a distributed file system having a common name space ***[group database with a common group name) Col. 2, Lines 1-7].***

With respect to claim 3, Cheng discloses the network wherein said distributed file system is integrated and optimized for said computer cluster ***[group database with group name and group policy definition, Col. 2, Lines 1-7].***

With respect to claim 4, Cheng discloses the network wherein said distributed file system stores data for the plurality of virtual environments ***[group database with group name and group policy definition, Col. 2, Lines 1-7].***

With respect to claims 5-6, Huang discloses virtual environment with file management system providing a unique administrative root, a file system template and file tree, and operating system configuration and the virtual environment does not require dedicated physical hardware resources [Par. 0052; 0041]; the virtual environment facilitating file sharing allowing a user to virtually have access to the same files and resources using particular applications providing files system manipulation or maintenances including create, update, backup, and distribution of files [Par. 0059-0062]

With respect to claims 7-8 and 10-45, the claims repeat in scope the features required in claims 1-6 addressed above and are rejected based on the same remarks noted above.

5. Claims 1-8 and 10-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,701,437 (Hoke et al) in view of US 2002/0091697 (Huang et al).

With respect to claim 1, Hoke discloses a private network with cluster nodes associated one group name, comprising: a computer cluster formed by a plurality of hardware-independent cluster nodes, said computer cluster including a control center; and a plurality of virtual environments running on the computer cluster wherein the virtual environments do not require dedicated memory, wherein said control center coordinates functions of said plurality of hardware-independent cluster nodes [Fig. 1; Col. 5, Line 59 to Col. 10, Line 39; Col. 7, Lines 7-45]. Hoke fails to specifically teach each virtual environment virtualizing a full service operating system and does not require dedicated physical memory. However, Huang discloses a system providing a virtual desktop in a virtual computing environment wherein the user is provided tools to virtualize a computing environment allowing the user global access from home, office or while on travel to application files and resources [Par. 0040-0041]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated virtualized full operating system service, as taught by Huang, into the network of Hoke, because a virtualized system would have

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provided access from almost anywhere to resources, therefore, enhanced efficiency and improved productivity, as taught by Huang [Par. 0041]

With respect to claim 2, Hoke discloses the network wherein said plurality of hardware-independent cluster nodes further comprises a distributed file system having a common name space [Fig. 1; Col. 5, Line 59 to Col. 10, Line 39; Col. 7, Lines 7-45].

With respect to claim 3, Hoke discloses the network wherein said distributed file system is integrated and optimized for said computer cluster [Fig. 1; Col. 5, Line 59 to Col. 10, Line 39; Col. 7, Lines 7-45].

With respect to claim 4, Cheng discloses the network wherein said distributed file system stores data for the plurality of virtual environments [Fig. 1; Col. 5, Line 59 to Col. 10, Line 39; Col. 7, Lines 7-45].

With respect to claims 5-6, Huang discloses virtual environment with file management system providing a unique administrative root, a file system template and file tree, and operating system configuration and the virtual environment does not require dedicated physical hardware resources [Par. 0052; 0041]; the virtual environment facilitating file sharing allowing a user to virtually have access to the same files and resources using particular applications providing files system manipulation or maintenances including create, update, backup, and distribution of files [Par. 0059-0062]

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With respect to claims 7-8, 14-45, the claims repeat in scope the features required in claims 1-6 addressed above and are rejected based on the same remarks noted above.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone




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number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (8:30A to 5:00P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre-Michel Bataille  
Primary Examiner  
Art Unit 2186

November 14, 2005

**PIERRE BATAILLE  
PRIMARY EXAMINER**